

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ROBERT CY MANN,

Petitioner,

v.

Civil Action No. **3:09CV464**

PATRICIA STANSBERRY,

Respondent.

MEMORANDUM OPINION

Robert Cy Mann ("Petitioner") brought this action pursuant to 28 U.S.C. § 2241. On July 15, 2010, the Court dismissed Petitioner's claims with prejudice. On August 11, 2010, Petitioner filed his Motion to Alter or Amend the judgment.¹

Federal Rule of Civil Procedure 59(e) permits a court to amend a judgment within twenty-eight days for three reasons: "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." *EEOC v. Lockheed Martin Corp., Aero & Naval Sys.*, 116 F.3d 110, 112 (4th Cir. 1997) (quoting *Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir.1993)). In other words, it is a means by which the district court can correct its own mistakes, thereby "sparing the parties and the appellate courts the burden of unnecessary appellate proceedings." *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998) (internal quotations omitted).

¹ Pursuant to *Houston v. Lack*, 487 U.S. 266 (1988), an inmate's motion is deemed filed on the date it is handed to prison staff for mailing.

Petitioner has failed to offer any new law or evidence, or to demonstrate a clear error of law by the Court. Instead, he merely repeats arguments previously rejected by the Court. Accordingly, Petitioner's Motion to Alter or Amend (Docket No. 17) will be DENIED.

An appropriate order will issue.

And it is so ORDERED.

<p style="text-align: right;">_____/s/_____ Mark A. Spence Chief United States District Judge</p>

Date: 9-14-10
Richmond, Virginia